

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZENA DOBRYAKOV,

Plaintiff,

-against-

BRICKHOUSE FOOD LLC and NERTILA
KAJA a/k/a JOHN KAJA,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/25/2024

22-CV-1390 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff Zena Dobryakov commenced the instant action on or about February 18, 2022. (ECF No. 1.) On June 13, 2022, Defendant Nertila Kaja a/k/a John Kaja filed an Answer to Plaintiff's Complaint, which included a counterclaim for defamation. (ECF No. 13.) On April 24, 2023, Plaintiff filed a (1) motion to dismiss Kaja's counterclaim and (2) motion to amend her Complaint. (ECF Nos. 27-28.) On January 19, 2024, the Court issued an Opinion & Order (1) dismissing Kaja's counterclaim and (2) granting Plaintiff leave to file an amended Complaint to add an additional defendant. (ECF No. 29.) The Court further granted Kaja leave to file an Amended Answer and Counterclaim and, if Kaja did so, directed Plaintiff to file an answer or otherwise respond to Kaja's Amended Answer and Counterclaim by March 15, 2024. (*Id.*) On February 16, 2024, Kaja filed his Amended Answer.¹ (ECF No. 30.) As of the date of this Order, Plaintiff has failed to file an Amended Complaint.

Defendant Kaja has filed a Verified Answer, dated February 16, 2024 (ECF No. 30), to Plaintiff's Complaint, dated February 18, 2022 (ECF No. 1). Defendant Brickhouse Food LLC has failed to answer or otherwise appear in the action. Thus, the Court waives the Initial Pre-Trial

¹ Kaja's Amended Answer did not assert any counterclaims against Plaintiff.

Conference requirement and directs the parties to submit a proposed Case Management Plan and Scheduling Order (blank form attached hereto) by August 16, 2024. After review and approval of the Scheduling Order, the Court will issue an Order of Reference to Magistrate Judge Judith C. McCarthy for general pretrial purposes. The parties are directed to contact Judge McCarthy within seven (7) business days of the date of the Order of Reference to schedule a conference.

SO ORDERED.

Dated: July 25, 2024
White Plains, New York

A handwritten signature in blue ink, appearing to read 'N. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. May 2014

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**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff(s),
- against -

Defendant(s). _____ CV _____ (NSR)

-----X

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by _____.
4. Amended pleadings may be filed until _____. Any party seeking to amend its pleadings after that date must seek leave of court via motion.
5. Interrogatories shall be served no later than _____, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than _____.
7. Non-expert depositions shall be completed by _____.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders,

non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than _____.
9. Requests to Admit, if any, shall be served no later than _____.
10. Expert reports shall be served no later than _____.
11. Rebuttal expert reports shall be served no later than _____.
12. Expert depositions shall be completed by _____.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** _____.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. _____.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for _____, at _____. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated:

White Plains, New York

Nelson S. Román, U.S. District Judge